IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FOURTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 13686 of 2004

Between:

K.B.Malleshwaraiah, S/o K.B.C.Peddanna,
R/o Eddupenta Village, Dhone Mandal, Kurnool District

..... PETITIONER

AND

1 The Joint Collector, Kurnool, Kurnool District
2 The Revenue Divisional Officer, Kurnool, Kurnool District
3 The Mandal Revenue Officer, Dhone Mandal, Kurnool District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the proceedings of the 2nd Respondent bearing Rc.B.780/2004 dated 26-07-2004, as illegal, void and ultra vires of the provisions of A.P. Schedule Commodities (Regulation of Distribution by Card System) Order, 1973 and consequently direct the Respondents herein to restore the authorization of the fair price shop of the Petitioner situated in Eddupenta Village, Dhone Mandal, Kurnool District.

Counsel for Petitioner: MR.K.V.RAGHU VEER

Counsel for Respondents 1 to 3: GP FOR CIVIL SUPPLIES

The Court made the following :

ORDER:

The petitioner is the authorized dealer in respect of the Fair Price Shop of Eddupenta Village, Dhone Mandal, Kurnool District. This writ petition is filed challenging the proceedings dated 26.07.2004 whereunder the second respondent, Revenue Divisional Officer, Kurnool suspended the authorization of the petitioner pending enquiry into certain allegations in distribution of essential commodities to the card-holders.

Admittedly, the petitioner has already preferred an appeal before the first respondent, Joint Collector, Kurnool against the impugned proceedings along with an application for stay of operation of the impugned order of suspension. The grievance of the petitioner is that the first respondent has failed to consider his appeal so far and no orders have been passed even on the application for stay.

Having regard to the facts and circumstances and since the statutory appeal preferred by the petitioner is pending before the first respondent, it would be appropriate to continue the petitioner to supply the commodities till the disposal of the appeal.

Accordingly, there shall be a direction to the first respondent to consider the appeal preferred by the petitioner against the impugned proceedings, date 26.07.2004 and to pass appropriate orders in accordance with law as expeditiously as possible preferably within a period of four (4) weeks from the date of receipt of a copy of this order. Till the disposal of the appeal, the impugned order shall not be

given effect to.

With the above directions, the writ petition is disposed of. No order as to costs.

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G. ROHINI, J.

04th August 2004

Tsr.

To

1 The Joint Collector, Kurnool, Kurnool District
2 The Revenue Divisional Officer, Kurnool, Kurnool District
3 The Mandal Revenue Officer, Dhone Mandal, Kurnool District

4 Two CCs to Government Pleader for Civil Supplies, High Court Buildings, Hyderabad. (OUT).

4 Two CD copies.